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NAO 216-107: NOAA Policy on Cooperative Institutes

Issued 00/00/00; Effective 09/02/05

SECTION 1. PURPOSE.

.01 This Order establishes a policy associated with National Oceanic and Atmospheric Administration (NOAA) Cooperative Institutes (CIs). This policy sets forth basic principles to be applied in making decisions regarding NOAA CIs. It supports NOAA's intent to maintain robust cooperative relationships with academic and non-profit research institutions that demonstrate the highest level of performance and conduct research that is consistent with the NOAA strategic plan and supporting research documents, and aligned with NOAA's mission goals.

.02 This Order establishes a Standing Committee for CIs (hereafter, the CI Committee) under the NOAA Research Council (RC). The CI Committee will include at least one representative from each NOAA Line Office (LO) and the NOAA Acquisition and Grants Office. The CI Committee shall ensure compliance with this Order and, when requested, will provide information to assist the RC with general CI program oversight.

.03 This Order authorizes and establishes NOAA's Cooperative Institutes Handbook (hereafter, the CI Handbook) to be written and maintained by the CI Committee. The CI Handbook will contain all the procedures for implementing this policy.

.04 NOAA CIs established under this Order are considered to be Institutional Awards for purposes of the Department of Commerce Grants and Cooperative Agreements Interim Manual (February 2002, as amended), and of NOAA's existing policies for grants and cooperative agreements implementing Institutional Programs and Awards.

SECTION 2. SCOPE.

.01 This Order covers the policy for establishing and maintaining all new NOAA CIs established after the effective date of the Order and those CIs established competitively prior to that date. All other CIs established prior to the effective date of this Order will continue to be maintained by the responsible LO under the terms of the existing cooperative agreement and extension thereto; such extension may not exceed a period of 5 years. If NOAA determines that a need exists for a CI, then the procedures described in the CI Handbook for competitively establishing a CI will be followed. The Order also prescribes the responsibilities of the RC, LOs, and Goal Teams (GTs) in the implementation of this policy.

.02 This Order is intended to aid the internal management of NOAA and is not intended to create any right or benefit enforceable at law by a party against NOAA, the Department of Commerce, or its officers.

SECTION 3. POLICY.

.01 NOAA may establish a CI when NOAA determines that it will sponsor a long-term (5-10 years) collaborative partnership with one or more outstanding non-federal, non-profit research institutions. For NOAA, the purpose of this partnership is to promote research, education, training, and outreach aligned with NOAA's mission, to obtain research capabilities that do not exist internally, and/or to expand research capacity in NOAA-related sciences, in order:

a. to conduct collaborative, long-term research that involves NOAA scientists and those at the research institution(s) from one or more scientific disciplines of interest to NOAA;

b. to utilize the scientific, education, and outreach expertise at the research institution(s) that, depending on the research need determined by NOAA, may or may not be located near a NOAA facility;

c. to support student participation in NOAA-related research studies; and

d. to strengthen or expand research capacity within the research institution(s) in NOAA-related research by providing sufficient funding to support administrative and scientific research activities.

.02 A CI may consist of one or more research institutions that demonstrate outstanding performance within one or more established research programs in NOAA-related sciences. These institutions may include Minority Serving Institutions and universities with strong departments that can contribute to the proposed activities of the CI.

.03 NOAA will use an open competition and merit-based peer review for creating new CIs. A limited competition may be used when NOAA determines that it is in the best interest of the government to restrict the pool of qualified applicants. The rationale for such a restriction must be justified under existing DOC and NOAA-wide federal assistance policies; and the rationale shall be published in the Federal Register and the notice of Federal Funding Opportunity (FFO).

.04 New CIs may be proposed by one or more LOs, GTs, and/or the RC according to the procedures for establishing CIs described in the CI Handbook. Only the Under Secretary of Commerce for Oceans and Atmosphere (the Under Secretary) can approve the establishment of a new CI.

.05 To stress the collaborative nature and investment in a CI by both NOAA and the research institution, cost-sharing shall be required and will be considered as a factor when evaluating and selecting new CIs.

.06 NOAA shall encourage research institutions with existing CIs that are awarded a new CI to consolidate management, administrative and oversight activities into one CI, when possible.

.07 CIs will be established at research institutions that have a strong education program with established degree programs in NOAA-related sciences and that also encourage student participation in NOAA-related research studies.

.08 CIs are expected to provide significant coordination of resources among all non-government partners and to promote the involvement of students and postdoctoral scientists in NOAA-funded research.

.09 To foster collaborations, NOAA encourages the collocation of research institution(s) and government scientists.

.10 NOAA shall enter into a Memorandum of Agreement (MOA) with the research institutions(s) in order to formalize the working relationship between NOAA and the research institution(s). The MOA will include information on the use of an Executive Board and a Council of Fellows to provide management oversight and scientific guidance, respectively, for the CI. The MOA also shall address the use of facilities, administrative expectations of the CI, human resource relationships, procedures for review of projects and proposals, requirements for compliance with NOAA IT security policies, and intellectual property issues. The MOA will be incorporated into the award as an additional term and condition.

.11 To provide sufficient time to conduct long-term research and increase the research capacity at a CI, NOAA will provide adequate funding to support research and administrative activities for a period of 5 years with an option to renew the CI award for one additional period of up to 5 years.

.12 The decision to renew the CI will be based on the outcome of an extensive peer review near the beginning of the fourth year, to be conducted under the auspices of the NOAA Science Advisory Board. This review will include a measurement of CI performance relative to well-established, mutually agreed-upon performance measures defined by NOAA and the research institution. NOAA will use the peer review to determine the renewal period (1-5 years) and the level of funding commensurate with the final review rating. Annual performance also will be evaluated by the responsible LO using the same performance measures. These performance measures will be incorporated into the award as an additional term and condition.

.13 Funding for a CI can be terminated prior to the end of the current award period in accordance with 15 CFR 14.61. Reasons for termination may include poor research quality due to failure to comply with a

specific term of the award, poor CI management, poor fiscal management, inability to complete proposed research within the time proposed, and/or the unavailability of NOAA funding for any prospective research area(s) pursued by the CI.

.14 The Under Secretary is authorized to designate CIs and use the personnel, services, or facilities of the research institution under a cooperative agreement for NOAA research, education, training, and outreach to support NOAA's mission under the CI.

SECTION 4. DEFINITIONS.

.01 **Cooperative Institute** - A NOAA supported, non-federal, non-profit organization that has an established outstanding research program in one or more areas relevant to the NOAA mission. CIs are established at research institutions that have a strong education program with established degree programs in NOAA-related sciences. A CI engages in research directly related to NOAA's long-term mission needs that require substantial involvement of one or more research units within the parent organization or other organizations, and one or more NOAA programs. An individual CI can include multiple research institutions. The CI provides significant coordination of resources among all non-government partners and promotes the involvement of students and postdoctoral scientists in NOAA-funded research. The CI provides mutual benefits, with value provided by all parties. A CI is synonymous with a Joint Institute.

.02 **Research Institution** - The parent institution of a CI.

.03 **Cooperative Agreement** - The legal instrument reflecting a relationship between NOAA and a recipient whenever: (1) the principal purpose of the relationship is to transfer money, property, services, or anything of value to accomplish a public purpose of support or stimulation authorized by Federal statute; and (2) substantial involvement (e.g., collaboration, participation, or intervention by NOAA in the management of the project) is anticipated between NOAA and the recipient during performance of the contemplated activity. Cooperative agreements are subject to the same Office of Management and Budget, Treasury, and other federal laws and policies as grants. (See 31 U.S.C. 6305 and definition in the DOC Grants and Cooperative Agreements Manual.)

.04 **Institutional Award** - A grant or cooperative agreement under which funds should be initially awarded based on competition with the intent to maintain a long-term partnership between NOAA and the recipient so that new awards may be made on a noncompetitive basis if the recipient performs satisfactorily and submits the appropriate application document, and if the results of the periodic reviews validate the effectiveness and continued desirability of the use of institutional awards for the program. (See definition in the DOC Grants and Cooperative Agreements Manual.)

.05 **NOAA Research Council** - The RC provides corporate oversight and develops policy to ensure that NOAA research activities are of the highest scientific quality, meet long-range societal needs, take advantage of emerging scientific and technological opportunities, shape a forward-looking research agenda, and are accomplished in an efficient and cost effective manner. The RC consists of members who have been appointed by the Assistant Administrators of each of the NOAA Line Offices and other NOAA directors.

.06 **Science Advisory Board** - A Federal Advisory Committee with responsibility to advise the Under Secretary on long- and short-range strategies for research, education, and the application of science to resource management and environmental assessment and prediction. Composed of eminent scientists, engineers, resource managers, and educators, the diverse membership of the Board assures expertise reflecting the full breadth of NOAA's responsibilities as well as the ethnic and gender diversity of the United States.

.07 **Goal Team** - A NOAA team of employees, led by a GT Lead, that manages and oversees the activities under each of the NOAA goals in the NOAA Strategic Plan. The GTs are made up of multiple programs, each led by a program manager.

SECTION 5. AUTHORITY.

.01 NOAA is authorized (15 U.S.C. 1540) to enter into cooperative agreements and other financial agreements with any nonprofit organization:

a. to aid and promote scientific and educational activities to foster public understanding of NOAA or its programs; and

b. to solicit private donations for the support of such activities.

.02 NOAA also has been delegated specific authority given to the Secretary of Commerce to enter into cooperative agreements with the Joint and Cooperative Institutes as designated by NOAA to use the personnel, services, or facilities of such organizations for research, education, training, and outreach (118 STAT. 71).

.03. NOAA has a number of other programmatic statutes that authorizes federal assistance for climate and global change; coastal oceans and management of marine resources; weather services; and worldwide environmental data.

SECTION 6. RESPONSIBILITIES.

.01 The LO assigned by the RC during the establishment process has the primary responsibility for administering the CI award(s). This responsibility includes oversight of the initial CI competition, CI performance, funding to the CI throughout the award period, and managing the renewal review process. If CI funding is provided by multiple LOs, the primary LO must involve the others when making any recommendations for reviewing, renewing or terminating the CI. If a CI links one or more NOAA entities with a nearby research institution, or if there is a particularly strong connection with one or more NOAA offices, then the directors of those offices and the LO CI program manager, or their representatives, should be involved jointly (with representatives of the parent institution) in setting the research goals of the CI and participating in the review process to establish or continue a CI.

.02 The CI Committee is responsible for establishing and reviewing all procedures pertaining to NOAA CIs and the implementation of the CI policy. These procedures will be documented in the CI Handbook and posted on a NOAA website. The CI Committee will provide aggregate financial and performance information on the NOAA CIs upon request of the RC and/or any NOAA office.

.03 The RC is responsible for reviewing recommendations from LOs or the GTs for establishing CIs, designating the LO that is responsible for maintaining the CI, approving the review guidelines for the renewals, and overseeing the CI program.

SECTION 7. EFFECT ON OTHER ISSUANCES.

None.

Signed,

***Under Secretary of Commerce for
Oceans and Atmosphere***

Office of Primary Interest:
Office of Oceanic and Atmospheric Research
Cooperative Institutes Program Office